

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PRISCILLA DUNCAN, GARY PETERSON
AND MICHAEL ATHANAS, TRUSTEES OF
MARBLEHEAD HARBOR CONDOMINIUM
TRUST,

Plaintiffs

v.

MICHAEL D. BROWN, DIRECTOR, FEDERAL
EMERGENCY MANAGEMENT AGENCY
UNDER SECRETARY OF EMERGENCY
PREPAREDNESS AND RESPONSE OF THE
DEPARTMENT OF HOMELAND SECURITY,

Defendant.

CIVIL ACTION
NO. 04-10626-REK

Memorandum and Order

September 22, 2004

Before the court for ruling is Plaintiffs' Request for Entry of Default (Docket No. 3, filed July 13, 2004). Also before the court is Defendant Michael Brown's Opposition to Request for Default (Docket No. 4, filed July 26, 2004).

Returns showing delivery by certified mail to FEMA REGION 1 on August 23, 2004 (Docket No. 5, filed September 2, 2004) and the United States Attorney General on August 20, 2004 (Docket No. 6, filed September 2, 2004) have also been filed.

In view of the fact that service had not been effected before the filing of the Request for Entry of Default (Docket No. 3), it is ORDERED:

Plaintiff's Request for Entry of Default (Docket No.3) is DENIED.

_____/s/Robert E. Keeton____

Robert E. Keeton
Senior United States District Judge